



AGENDA ITEM: 15

**LICENSING & GAMBLING
COMMITTEE: 7 DECEMBER 2010**

COUNCIL: 15 DECEMBER 2010

Report of: Executive Manager Community Services

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**SUBJECT: APPROVAL OF REVISED STATEMENT OF LICENSING POLICY
REQUIRED BY THE LICENSING ACT 2003**

Wards affected: Borough wide

1.0 PURPOSE OF REPORT

- 1.1 To request that the necessary action is taken in order to approve and publish the revised Statement of Licensing Policy (the Policy) as required by the Licensing Act 2003 (the Act).

2.0 RECOMMENDATIONS TO LICENSING AND GAMBLING COMMITTEE

- 2.1 That the revised Statement of Licensing Policy attached as Appendix 1 to this report be noted and endorsed.

RECOMMENDATIONS TO COUNCIL

- 2.2 That the revised Statement of Licensing Policy attached as Appendix 1 to this report be approved.
- 2.3 That the Executive Manager Community Services be authorised to publish the revised Statement of Licensing Policy attached as Appendix 1 to this report prior to the statutory deadline of 7 January 2011.
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3.0 BACKGROUND

- 3.1 Members will be aware that the Act became law on 24th November 2005 and since that time the Council, like all local authorities in England and Wales, has taken the role of 'Licensing Authority' and undertook these responsibilities.
- 3.2 The Act requires Licensing Authorities to produce a statement of Licensing Policy to provide all stakeholders with guidance on the approach that it will take under the Act. The Act also requires Licensing Authorities to review their Policy

Statements at least every 3 years and further stipulates that Policies should be published at least one month before they take effect. The current version of the Policy was published on the 7th January 2008 and took effect on the 7th February 2008. Accordingly, the revised Policy attached as Appendix 1 to this report must be published on, or prior to, the 7th January 2011 to allow it to come into force on the 7th February 2011.

- 3.3 In preparation, Members approved a draft revised Policy to replace the 2008 version and granted the Executive Manager Community Services delegated authority to undertake a period of statutory public consultation. Based upon the comments received, the Policy would be amended and the final version returned to the Licensing and Gambling Committee and Full Council for approval.

4.0 CURRENT POSITION

- 4.1 The Statutory Guidance (the Guidance) issued under Section 182 of the Act, as well as the Act itself, dictates the minimum parameters for consultation on draft statements of Licensing Policy.

- 4.2 The duration of the consultation period was just over the recommended 12 weeks, running from the 1st August 2010 until the 31st October 2010. An explanatory letter was sent to each stakeholder providing details of the draft revised Policy and requested their comments. So that stakeholders could easily see the differences between the 2008 and 2011 versions of the Policy, all changes were highlighted in bold type. Respondents were able to provide their comments by post, fax, email and online. The full list of stakeholders is provided as Appendix 2 to this report.

- 4.3 In addition, the following activities were undertaken to ensure an increased local awareness of the draft revised Policy and provide the means by which comments could be received:

- Regular press updates drawing attention to the draft revised Policy and the need for contributions;
- 'Have your say' leaflets distributed to Council offices, police stations and libraries in the Borough, giving details of the draft revised Policy and where and how comments could be made;
- Draft revised Policy posted on the Council's website, with specific online forms to receive comments;
- Use of a dedicated email address to receive comments on the draft revised Policy and other licensing queries;
- Use of the Multi Agency Licensing Team (MALT) meetings with all Responsible Authorities to promote the draft revised Policy.

5.0 ISSUES

- 5.1 The revised Policy attached as Appendix 1 to this report aims to provide a more accurate, succinct and practical document that builds upon the experience of Officers, Members, Responsible Authorities and Interested Parties since the last revision of the Policy, and it is therefore hoped that it will be of greater use to stakeholders for the next 3 years.

5.2 The revised Policy also takes account of the views expressed during the consultation period. Appendix 3 to this report details the responses to the consultation and the corresponding impact upon the revised Policy. The views received have led to several changes within the revised Policy. However, this is often to simply reemphasise and/or clarify the Authority's requirements, rather than to make a substantial change.

5.3 So that Members can easily see which sections of the revised Policy have been amended as a result of the consultation, all changes are highlighted in bold type. Members' attention is specifically drawn to Sections 6.0 (integration strategies), 17.0 (underage drinking and proxy sales) and 20.0 (cumulative impact) where the most amendments have been made.

6.0 PROPOSALS

6.1 In order to meet the requirements of Section 5 of the Licensing Act 2003, the revised Statement of Licensing Policy attached as Appendix 1 to this report be approved.

6.2 In order to meet the requirements of Section 5 of the Licensing Act 2003, the Executive Manager Community Services be granted delegated authority to publish the revised Statement of Licensing Policy attached as Appendix 1 to this report prior to the statutory deadline of 7th January 2011.

7.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

7.1 This Act has the potential to impact upon many areas within the Community, particularly upon the leisure time of the public of West Lancashire. The Licensing Objectives, contained in the Act therefore, fit closely with many aspects of the Community Strategy. The proposal has the following links with the Community Strategy: Community Safety (issues A, C and E); Economy and Employment (issue D); Health and Social Care (issue A).

8.0 FINANCIAL AND RESOURCE IMPLICATIONS

8.1 The contents of this report can be delivered within existing resources.

9.0 RISK ASSESSMENT

9.1 The Council has a legal duty to carry out the functions of the Act; therefore failure to approve the recommendations contained in this report is a breach under the Act. Accordingly, there is significant involvement from, and impact upon, statutory bodies, the licensed trade, the public and other interested parties associated with this legislation and its administration. The operation of the Act links closely with the Corporate Priority Action Plan, as one of the four Licensing Objectives (under the Act) is the 'prevention of crime and disorder', and therefore will be influential to 'combat crime and the fear of crime'.

10.0 CONCLUSIONS

- 10.1 The revised Statement of Licensing Policy will continue to have far reaching implications and aims to reflect the issues that have arisen in the Borough since the Act came into force. It therefore aims to provide improved guidance for both Officers and elected Members to ensure that decisions are made in a fair and consistent manner, as well as being an invaluable tool for applicants, residents and other occupiers of property and investors, to enable them to make plans to move or invest in the Borough with confidence.
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Background Documents

The following background documents (as defined in Section 100D (5) of the Local Government Act 1972) have been relied on to a material extent in preparing this Report.

Guidance issued under section 182 of the Licensing Act 2003 - Consolidated version published 28 January 2010

Equality Impact Assessment

There is no evidence from an initial assessment of an adverse impact on equality in relation to the equality target groups.

Appendices

- Appendix 1: West Lancashire Borough Council: Licensing Act 2003 Statement of Licensing Policy 2011
- Appendix 2: List of stakeholders consulted
- Appendix 3: Consultation response analysis